

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

JOHN JACOB STARKS
XXX-XX-7605
7049 NORTHPOINT DRIVE
THE COLONY, TX 75056
DEBTOR

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CASE NO. 15-40347-R

CHAPTER 13

AMENDED MOTION TO DISMISS WITH PREJUDICE AND SETTING HEARING

**THE TRUSTEE REQUESTS THE COURT TO SET THIS MOTION FOR HEARING ON May 13, 2015,
AT 10:00 am AS FOLLOWS:**

**Plano Bankruptcy Courtroom
Wells Fargo Bank Building
660 North Central Expressway
Plano, Texas 75074**

COMES NOW John J. Talton, Acting Chapter 13 Trustee, and files this Motion to Dismiss With Prejudice and Setting Hearing in the above numbered and styled proceeding, and for cause would show the Honorable Court as follows:

1. The Debtor is not eligible to be a debtor because the Debtor has not received an individual or group briefing from an approved nonprofit budget and credit counseling agency during the 180-day period preceding the filing of the bankruptcy petition.

3. Failure to comply with 11 USC §109 is cause for dismissal.

2. This is the SIXTH case filed by the Debtor(s) and/or spouse. The prior cases are as follows:

Case Number	Date Filed	Status
04-42986	June 28, 2004	Chapter 7 dismissed 03/08/2005.
09-46222	October 3, 2009	Chapter 13 dismissed 08/09/2010.
10-45380	August 20, 2010	Chapter 13 dismissed 10/05/2010.
11-41858	April 1, 2011	Chapter 13 dismissed 10/25/2013.
14-41676	August 4, 2014	Chapter 13 dismissed 08/12/2014.

The Trustee believes that these repeated filings constitute substantial abuse of the bankruptcy process, and show an intent to delay and hinder creditors. Therefore, dismissal with prejudice is warranted.

WHEREFORE, PREMISES CONSIDERED, John J. Talton, Acting Chapter 13 Trustee, prays that this case be dismissed for cause.

Respectfully submitted,

/s/ Shelly Terrill

John J. Talton, Acting Chapter 13 Trustee, TBN
19629700
Shelly Terrill, TBN 00794788
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion to Dismiss With Prejudice and Setting Hearing has been served upon the following parties in interest by mailing a copy of same to them via first class mail and uploaded to the Court for service by the Bankruptcy Noticing Center to the parties on the Court's mailing matrix on the date set forth below.

JOHN JACOB STARKS
7049 NORTHPOINT DRIVE
THE COLONY, TX 75056

TIMOTHY O'NEAL
OFFICE OF THE UNITED STATES TRUSTEE
110 NORTH COLLEGE, SUITE 300
TYLER, TX 75202

Dated: April 14, 2015

/s/ Shelly Terrill

Office of the Standing Chapter 13 Trustee